

VIA EFS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of: :
Bernhard Keppler :
: :
Conf. No.: 4879 : Group Art Unit: 1625
: :
Appln. No.: 10/786,924 : Examiner: Charanjit Aulakh
: :
Filing Date: February 24, 2004 : Attorney Docket No.: 8182-28US (PA33267US)
: :
Title: PLATINUM(II) AND PLATINUM(IV) COMPLEXES AND THEIR USE

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated September 27, 2006 (Paper No. 20060922) in the above-identified patent application. This response is being timely filed by November 27, 2006, in view of the submission herewith of a Petition for Extension of Time (one month).

The Examiner has required restriction among five different groups of compounds:

I. Platinum complexes represented by complexes disclosed on page 22, page 8 (1st formula) and page 9 (1st formula) of specification, pharmaceutical compositions containing these complexes and method of treating tumors using these complexes, allegedly classified in class 548, subclass 101;

II. Platinum complexes represented by complexes disclosed on page 18, page 8 (2nd formula) and page 9 (2nd formula) of specification, pharmaceutical compositions containing these complexes and method of treating tumors using these complexes, allegedly classified in class 548, subclass 216;

III. Platinum complexes represented by fused bicyclic complexes disclosed on pages 8 (3rd formula) and 9 (4th formula) of specification, pharmaceutical compositions containing these complexes and method of treating tumors using these complexes, allegedly classified in class 548, subclass 108;

IV. Platinum complexes represented by fused triiacyclic complexes disclosed on pages 8 (4th formula) and 9 (5th formula) of specification, pharmaceutical compositions containing these complexes and method of treating tumors using these complexes, allegedly classified in class 548, subclass 302.1; and

V. Platinum complexes represented by non-heterocyclic complexes disclosed on pages 14, 16, 17 and 20 of specification, pharmaceutical compositions containing these complexes and method of treating tumors using these complexes, allegedly classified in class 502, subclass 171.

The Examiner contends that the groups are patentably distinct, because they are structurally so divergent that a reference showing compounds of group I would not render compounds of groups II through V *prima facie* obvious. Also, the Examiner contends that the search required, for example, for group I is not the same search as required, for example, for compounds of group II, and therefore constitutes a burdensome search. It is noted that the Examiner has indicated that claims 1-34 read on all five groups.

Provisional Election

While not necessarily agreeing with the Examiner's Restriction Requirement and arguments in support thereof, Applicants provisionally elect group II (platinum complexes represented by formulas at page 18, page 8 (2nd formula) and page 9 (2nd formula) of the specification) without traverse, for initial examination in this application. An early examination and allowance of all of the claims are respectfully requested.

Respectfully submitted,
Bernhard Keppler

November 20, 2006 By:
(Date)


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WWS/rc
Enclosure – Petition for Extension of Time (one month)